



House of Representatives

File No. 960

General Assembly

January Session, 2009

(Reprint of File No. 511)

Substitute House Bill No. 6426
As Amended by House Amendment
Schedule "A"

Approved by the Legislative Commissioner
May 14, 2009

AN ACT IMPROVING BROADBAND ACCESS.

Be it enacted by the Senate and House of Representatives in General Assembly convened:

1 Section 1. (NEW) (*Effective July 1, 2009*) (a) As used in this section,
2 "broadband" means a high-speed Internet service whose minimum
3 speed is the speed as defined by the Federal Communications
4 Commission, and "priority areas" means those parts of the state the
5 Department of Public Utility Control determines to be unserved in
6 terms of access to broadband.

7 (b) The Department of Public Utility Control shall, in consultation
8 with the Governor's Broadband Working Group, the Office of
9 Consumer Counsel and the Broadband Internet Coordinating Council,
10 established pursuant to section 4d-100 of the general statutes, develop
11 a state-wide technology initiative program with funds received by the
12 state from the American Recovery and Reinvestment Act of 2009 for
13 the purpose of expanding broadband services. Nothing in this section
14 shall give the Department of Public Utility Control or any other entity
15 any additional authority, regulatory or otherwise, over providers of

16 telecommunications and information technology. The initiative
17 program established pursuant to this act shall include, but not be
18 limited to, the following components:

19 (1) Expanding and deploying broadband infrastructure in priority
20 areas and increasing broadband adoption. The initiative program shall
21 include a detailed financial incentives component to award incentives
22 first to private providers and then to public-private partnerships that
23 deploy additional broadband infrastructure to such priority areas. No
24 such incentive shall be available to support any deployment in areas
25 where broadband, via wireline or wireless technologies but not
26 satellite technology, is already available.

27 (2) In partnership with the private sector, establishing a digital
28 technology access and education program to provide information,
29 computers and other technology to access broadband and
30 communications technology to local communities in priority areas.
31 Such program may include, but not be limited to, education and skill-
32 building opportunities, hardware and software, Internet connectivity
33 and development of locally relevant content and delivery of vital
34 services through technology.

35 (3) Providing organizational and capacity building support to
36 groups throughout the state, including, but not limited to,
37 municipalities, the community-technical colleges, school districts,
38 libraries and senior centers, and identifying and facilitating the
39 availability of other public and private funding sources to enhance the
40 purposes of the state-wide technology initiative established pursuant
41 to this subsection.

42 (4) Establishing a competitive grant program to provide grants to
43 private sector providers or public-private partnerships. Grants shall be
44 used to provide training and skill-building opportunities; provide
45 access to hardware and software; provide Internet connectivity; adopt
46 information and communication technologies in priority areas and
47 develop locally relevant content and delivery of vital services through

48 technology. The department shall develop criteria for awarding grants
49 pursuant to this subdivision, which may include, but not be limited to,
50 eligibility requirements and funding sources.

51 (c) The department, in consultation with telecommunications and
52 Internet service providers, shall contract with a third-party
53 organization to create and regularly update a detailed, geographic
54 information system (GIS) map, at the census block level, displaying
55 levels of broadband service by connection speed and type of
56 technology used and integrating the maps with demographic
57 information to produce a comprehensive state-wide inventory and
58 mapping of existing broadband service and capability. The resulting
59 maps shall clearly convey the following information:

- 60 (1) Areas unserved by any broadband provider;
- 61 (2) Areas served by a single broadband provider;
- 62 (3) The location of towers used to transmit and receive broadband
63 signals;
- 64 (4) Average upstream and downstream transmission speeds at the
65 census block group level of detail;
- 66 (5) Areas served by multiple broadband providers; and
- 67 (6) The types of technology used to provide broadband service.

68 (d) The data used to produce the maps shall be capable of being
69 integrated with demographic data from other sources, including, but
70 not limited to, population density and household income to allow for
71 the production of maps that measure, down to the census block level
72 of detail, various characteristics of residents in areas receiving different
73 levels of broadband services and using different technologies.

74 (e) Any broadband provider supplying data to the department for
75 the purposes of developing the state-wide technology initiative
76 program and the geographic information system map pursuant to this

77 section may request, before supplying such data, that the department
78 treat such data as trade secrets or proprietary commercial or financial
79 information pursuant to subparagraphs (A) and (B) of subdivision (5)
80 of subsection (b) of section 1-210 of the general statutes. If the
81 department determines that such data does not constitute a trade
82 secret or proprietary commercial or financial information pursuant to
83 subparagraphs (A) and (B) of subdivision (5) of subsection (b) of
84 section 1-210 of the general statutes, nothing in this subsection shall be
85 construed to require such provider to supply such data to the
86 department.

87 (f) On or before January 1, 2010, and annually thereafter for five
88 years, the department shall submit a report, in accordance with the
89 provisions of section 11-4a of the general statutes, on the development
90 of the state-wide technology initiative program and the geographic
91 information system map prepared pursuant to this section to the joint
92 standing committee of the General Assembly having cognizance of
93 matters relating to energy.

This act shall take effect as follows and shall amend the following sections:		
Section 1	July 1, 2009	New section

The following Fiscal Impact Statement and Bill Analysis are prepared for the benefit of the members of the General Assembly, solely for purposes of information, summarization and explanation and do not represent the intent of the General Assembly or either chamber thereof for any purpose. In general, fiscal impacts are based upon a variety of informational sources, including the analyst's professional knowledge. Whenever applicable, agency data is consulted as part of the analysis, however final products do not necessarily reflect an assessment from any specific department.

OFA Fiscal Note

State Impact:

Agency Affected	Fund-Effect	FY 10 \$	FY 11 \$
Public Utility Control, Dept.	CC&PUCF - See Below	See Below	See Below

Note: CC&PUCF=Consumer Counsel and Public Utility Control Fund

Municipal Impact: None

Explanation

This bill requires the Department of Public Utility Control (DPUC) to develop a statewide technology initiative program, which includes expanding and deploying broadband infrastructure in priority areas, establishing a digital technology access and education program, establishing a competitive grant program, and creating and regularly updating a detailed geographic information system map.

Funding to carry out provisions of the bill will be provided by funds received by the state from the American Recovery and Reinvestment Act of 2009 (ARRA).

House "A" eliminates costs to the DPUC by requiring the program be funded with money the state receives under the ARRA. It also provides more detailed guidelines regarding the types of information the map must convey.

The Out Years

None

OLR Bill Analysis**sHB 6426 (as amended by House "A")******AN ACT IMPROVING BROADBAND ACCESS.*****SUMMARY:**

This bill requires the Department of Public Utility Control (DPUC), in consultation with the Governor's Broadband Working Group, the Office of Consumer Counsel (OCC), and the Broadband Internet Coordinating Council, to develop a statewide technology program. It requires the program to have infrastructure, education, and support components and to provide grants to private providers and private-public partnerships. The program must be funded with money the state receives under the American Recovery and Reinvestment Act of 2009 (ARRA) for the purpose of expanding broadband service.

The bill also requires DPUC, in consultation with telecommunications and Internet service providers, to contract with a third party to create and regularly update a detailed, geographic information system (GIS) map of the broadband services.

Any broadband provider supplying data to DPUC for developing the program and the GIS map may request, before supplying the data, that DPUC treat it as a trade secret or proprietary commercial or financial information and thus exempt from disclosure under the Freedom of Information Act. If DPUC determines that the data does not constitute a trade secret or proprietary commercial or financial information, the provider need not supply it to DPUC.

The bill requires DPUC to report to the Energy and Technology Committee by January 1 each year, from 2010 to 2015, on the development of the initiative and the map.

The bill specifies that it does not give DPUC or any other entity any additional regulatory or other authority over telecommunications and information technology providers.

*House Amendment "A" (1) requires that the program be funded with money the state receives under the ARRA; (2) modifies the data providers must supply for the GIS map and types of information the map must convey; (3) exempts providers from having to supply data they believe to be proprietary if DPUC determines that it is subject to disclosure under the Freedom of Information Act, rather than exempting the data they provide from the act; and (4) makes minor changes.

EFFECTIVE DATE: July 1, 2009

STATEWIDE TECHNOLOGY INITIATIVE

Infrastructure

The bill requires that the initiative include provisions for (1) expanding and deploying broadband infrastructure in the parts of the state DPUC determines to be unserved in terms of access to broadband (priority areas) and (2) increasing broadband adoptions. Under the bill, "broadband" means high-speed Internet service whose minimum speed is the speed set by the Federal Communications Commission.

The initiative program must include a detailed financial incentive component to award incentives first to private providers and then to public-private partnerships that deploy additional broadband infrastructure to these areas. Incentives cannot be provided to support any deployment where wireline or wireless broadband is already available, but may be provided where broadband access by satellite technology is already available.

Education

The bill requires that DPUC, in partnership with the private sector the governor's working group, and in consultation with OCC and the council, establish a digital technology access and education program to

provide information, computers, and other technology to access broadband and communications technologies in local communities in priority areas. The program may include, among other things, education and skill-building opportunities, hardware and software, Internet connectivity, and development of locally relevant content and delivery of vital services through technology.

Support

The bill requires that the initiative provide organizational and capacity building support to groups throughout the state. These include, among others, municipalities, community colleges, school districts, libraries, and senior centers. The program must identify and facilitate the availability of other public and private funding sources to enhance the purposes of the initiative.

Grants

The bill requires that DPUC, in consultation with OCC and the council, establish a program to provide competitive grants to groups throughout the state, including municipalities, community colleges, school districts, libraries, and senior centers. The grantees must use the money to (1) provide training and skill-building opportunities, (2) provide access to hardware and software, (3) provide Internet connectivity, (4) adopt information and communication technologies in priority areas, and (5) develop locally relevant content and delivery of vital services through technology.

DPUC must develop criteria for awarding the grants, which may include, among other things, eligibility requirements and funding sources.

GIS MAP

Under the bill, the GIS map must be at the census block level and display levels of broadband service by connection speed and type of technology used. The maps must be integrated with demographic information to produce a comprehensive statewide inventory and mapping of existing broadband service and capability.

The resulting maps must clearly convey the:

1. areas that are unserved by any broadband provider,
2. areas served by a single broadband provider,
3. areas served by multiple providers,
4. the location of towers used to transmit and receive broadband signals,
5. average upstream and downstream transmission speeds at the census block group (i.e., neighborhood) level of detail, and
6. types of technology used to provide broadband service.

The data used to produce the maps must be capable of being integrated with demographic data from other sources, such as population density and household income, to allow for the production of maps that measure, down to the census block level of detail, various characteristics of residents in areas receiving different levels of broadband services and using different technologies.

COMMITTEE ACTION

Energy and Technology Committee

Joint Favorable Substitute

Yea 21 Nay 0 (03/19/2009)

Government Administration and Elections Committee

Joint Favorable

Yea 11 Nay 0 (04/23/2009)